

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

National Labor Relations Board

Petitioner,

V.

# Orchids Paper Products Company

Respondent,

and

United Steel, Paper and Forestry, Rubber  
Manufacturing, Energy, Allied Industrial &  
Service Workers International Union,  
AFL-CIO, CLC

Intervenor.

**Case No. 19-9503**

## UNION'S MOTION TO INTERVENE

Now comes United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC (“USW” or “Union”), and moves this Court for leave to intervene in the above-captioned case pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure.

In support of this Motion, the Union states the following:

1. On January 11, 2019, the National Labor Relations Board (“NLRB”), pursuant to FRAP 15(b), filed an application for enforcement of its Order of

November 20, 2018, in Case Nos. 14-CA-184805, 14-CA-184807, 14-CA-188413, 14-CA-189031, 14-CA-190022, 14-CA-192908, and 14-CA-199035.

2. In the November 20, 2018 Decision and Order, the NLRB found that Orchids Paper Products Company (“Orchids” or “Company”) violated Sections 8(a)(1), (3), and (5) of the National Labor Relations Act, 29 U.S.C. §§ 158(a)(1), (3), and (5), and ordered the Company to take appropriate remedial action.

3. The Union was the charging party in these cases. As the Supreme Court held in *UAW Local 283 v. Scofield*, 382 U.S. 205 (1965), the successful party in an NLRB proceeding has the right to intervene in appellate proceedings. The Court in *Scofield* reasoned that “the charging party may have vital ‘private rights’ in the Board proceeding,” *id.* at 220, and should be afforded “an opportunity tantamount to that of the unsuccessful party in persuading an appellate court,” *id.* at 222.

4. This Motion to Intervene, filed within 30 days after the NLRB filed its application for enforcement, is timely. *See* FRAP 15(d).

WHEREFORE, this Court should grant leave for the Union to intervene in the above-captioned case.

Dated: February 7, 2019

Respectfully submitted,

s/ Sasha Shapiro  
Sasha Shapiro

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*(Application for Admission Pending)*

**CERTIFICATE OF SERVICE**

I, Sasha Shapiro, do hereby certify that on February 7, 2019, an electronic copy of the Union's Motion to Intervene was filed with the Court via the ECF system. I also certify that a copy of the foregoing was served upon the following persons via U.S. Mail, postage prepaid:

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